

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

<b>BRIAN FELDMAN</b>	<b>x</b>	<b>Civil Action No.</b>
<b>111 Warren Street</b>	:	
<b>Willow Grove, PA 19090</b>	:	
	:	
<b>Plaintiff,</b>	:	
<b>v.</b>	:	
	:	
<b>SOUTHEASTERN PENNSYLVANIA</b>	:	
<b>TRANSPORTATION AUTHORITY</b>	:	
<b>1234 Market Street, 4<sup>th</sup> Floor</b>	:	
<b>Philadelphia, PA 19107</b>	:	
	:	
<b>and</b>	:	
	:	
<b>NATIONAL RAILROAD PASSENGER</b>	:	
<b>CORPORATION D/B/A, AMTRAK</b>	:	
<b>60 Massachusetts Ave.</b>	:	
<b>Washington, DC 20002</b>	:	
	:	
<b>and</b>	:	
	:	
<b>BOZZUTO CONSTRUCTION COMPANY</b>	:	
<b>c/o CT CORPORATION</b>	:	
<b>600 North 2<sup>nd</sup> Street</b>	:	
<b>Suite 401</b>	:	
<b>Harrisburg, PA 17170</b>	:	
	:	
<b>and</b>	:	
	:	
<b>VITO BRACCIA CONSTRUCTION, LLC</b>	:	
<b>536 Easton Road</b>	:	
<b>Horsham, PA 19044</b>	:	
	:	
<b>and</b>	:	
	:	
<b>ALTINO CONCRETE CONSTRUCTION,</b>	:	
<b>LLC</b>	:	
<b>536 Easton Road</b>	:	
<b>Horsham, PA 19044</b>	:	
	:	
<b>and</b>	:	



**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1349, 1441, and 1446, defendant National Railroad Passenger Corporation (“Amtrak”), by and through its counsel, hereby removes to the United States District Court for the Eastern District of Pennsylvania the case captioned Brian Feldman v. Southeastern Pennsylvania Transportation Authority, et al., now pending in the Philadelphia Court of Common Pleas, No. 0942, May 2020 Term, and as grounds for removal states as follows:

1. Amtrak has been named as a defendant in the above-referenced action now pending in the Court of Common Pleas of Philadelphia County, May 2020 Term, No. 0942.
2. The above-referenced action was commenced by the filing of a Complaint on May 15, 2020. (See Complaint at Exhibit A).
3. Amtrak first received a copy of the Complaint when it was delivered to Amtrak’s Washington, D.C. office on or about August 14, 2020. (See Affidavit of Service on Amtrak at Exhibit B).
4. A representative for co-defendant Southeastern Pennsylvania Transportation Authority (“SEPTA”) executed an Acceptance of Service on May 27, 2020. (See SEPTA Acceptance of Service at Exhibit C).
5. A representative for co-defendant Bozzuto Construction Company (“Bozzuto Construction”) executed an Acceptance of Service on June 17, 2020. (See Bozzuto Construction Acceptance of Service at Exhibit D).
6. Co-defendant Vito Braccia Construction, LLC (“Vito Braccia Construction”) was first served with a copy of the Complaint on or about July 1, 2020. (See Affidavit of Service on Vito Braccia Construction at Exhibit E).

7. Co-defendants Altino Concrete Construction, LLC and Altino Concrete Construction LLC (“Altino Concrete defendants,” collectively) were first served with a copy of the Complaint on or about July 1, 2020. (See Affidavits of Service on Altino Construction defendants at Exhibit F).
8. Co-defendants CP Acquisitions 25, LLC, CP Acquisitions 25 GP, LLC, and CP Acquisitions 25, LP (“CP Acquisitions defendants,” collectively) were first served with a copy of the Complaint on or about July 7, 2020. (See Affidavits of Service on CP Acquisitions defendants at Exhibit G).
9. Co-defendant Terex Corporation (“Terex”) was first served with a copy of the Complaint on or about June 19, 2020. (See Affidavit of Service on Terex at Exhibit H).
10. Co-defendant Modern Group, LTD (“Modern Group”) was first served with a copy of the Complaint on or about June 18, 2020. (See Affidavit of Service on Modern Group at Exhibit I).
11. This Notice of Removal is being filed within thirty (30) days of receipt of the Complaint by Amtrak, pursuant to 28 U.S.C. § 1446(b)(1).
12. The United States District Court for the Eastern District of Pennsylvania has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 because Amtrak was created by an Act of Congress, 49 U.S.C. § 24101 et seq., and more than half of its corporate stock is owned by the federal government. See 28 U.S.C. § 1349. As such, this case is removable to this Court pursuant to 28 U.S.C. § 1441(a).
13. Pursuant to 28 U.S.C. § 1446(a), copies of the pleadings served upon Amtrak are attached at Exhibit A.

14. All defendants who have been served with the Complaint consent to removal of this action to this Court pursuant to 28 U.S.C. § 1441(a). (See copies of co-defendants' Consents to Removal at Exhibit J).

15. Written notice of the filing of this Notice of Removal will be provided to plaintiff's counsel, and a copy of this Notice of Removal and supporting papers will be filed with the clerk of the state court, as provided by 28 U.S.C. § 1446(d).

**WHEREFORE**, defendant Amtrak respectfully requests that the action described herein now pending in the Court of Common Pleas of Philadelphia County be removed to this Court.

LANDMAN CORSI BALLAINE & FORD P.C.  
Attorneys for Defendant  
National Railroad Passenger Corporation  
("Amtrak")

BY: /s/ Daniel E. Mulligan  
Daniel E. Mulligan, Esq.

Dated: September 14, 2020